IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Bail Appl..No. 1138 of 2007()

CP.71/2006 of J.M.F.C.-II, KOLLAM

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: PETITIONER/ACCUSED NO.3:

NAZEER, S/O. MAHI KANNU,
THUNDIL THARAYIL, MANAYILKULANGARA,
THIRUMULLAVARAM, KOLLAM.

BY ADV. SRI.SAJJU.S
SRI.B.BALRAJ
SRI. K.SHAJ

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.1138 OF 2007

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DATED THIS THE 27th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the 3rd accused in Crime No.16/06 of Kollam West Police Station for offences punishable under sections 323, 324 and 308 read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.No.71/06 on the file of J.F.C.M.-II, Kollam, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M.-II, Kollam and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn